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20 JUL 1972

Executive Registry
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MEMORANDUM FOR: Executive Director-Comptroller

SUBJECT : CIA Regulation Under E. O. 11652 for Publication
in the Federal Register

1. This memorandum contains a recommendation for approval of the Executive Director-Comptroller. Such recommendation is contained in paragraph 5.

STAT 2. Implementing E. O. 11652 was approved by the Executive Director on 13 June and became effective on 30 June. The regulation included an Annex A which prescribes the rights of members of the public to have access to CIA documents and to have classified documents reviewed for declassification and sets out procedures for such requests. (Annex A also is a revised implementing regulation under the Freedom of Information Act.) By its terms, Annex A is to become effective "upon its publication in the Federal Register."

3. There are a number of errors in Annex A and several items which warrant clarification or improvement. The attached revision of the Annex (Tab A of this memorandum) is to accomplish these corrections and improvements. For reference, the existing Annex A is attached at Tab B.

4. The changes are as follows:

a. In subparagraph 4(c) the words "enough specificity" have been replaced by the words "sufficient particularity." The latter words are used in the NSC Directive and elsewhere in Annex A.

b. Subparagraph 5(b) includes some clarifying language.

c. In subparagraph 6(c) the words "principles prescribed for classification decisions by E. O. 11652 and implementing

directives and regulations" are replaced with the words "criteria set forth in Section 5(B) of E.O. 11652." A similar change is made in subparagraph 8(c). This accords with the requirements of the NSC Directive.

d. Subparagraph 6(c)(1) has been modified to require the Agency component which, upon request, reviews a document and retains its classification, to, "unless it is not possible to do so, set a date on which the document shall be declassified automatically." This is required by the NSC Directive.

e. In the penultimate sentence of subparagraph 6(d), the words "shall set a date on which the document shall become declassified" are replaced with the words "the period of time in which the document shall continue to be classified." This is a more accurate implementation of the NSC Directive.

f. The last word of the first sentence of subparagraph 6(e), "referral", is replaced by the words "request by the Assistant to the Director." This also is required by the NSC Directive.

g. An incorrect reference to "paragraph 9" in the last line of subparagraph 6(e) has been changed to "paragraph 8."



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i. In subparagraphs 8(a) and 8(b) of the existing Annex, an individual who had requested declassification review of documents less than 10 years old and whose request had been rejected because of the age of the documents (see subparagraph 6(b))

could appeal that decision to the CIA Information Review Committee. Such an appeal is not required by the Directive and would be a futile exercise since the age of a document generally is not a matter for disagreement. This has been corrected by omitting from the appeal provisions of subparagraphs 8(a) and 8(b) the reference to subparagraph 6(b).

j. An incorrect reference to "subparagraph 10(a)", in subparagraph 8(b), has been changed to "subparagraph (c)" of paragraph 8.

k. Subparagraph 9(a) of the existing Annex has become subparagraph 8(c) and subparagraph 9(b) has been combined into what is now paragraph 10.

l. Paragraph 9 has been revised to avoid any suggestion that a requester for declassification whose request is denied by the Agency component may appeal directly to the Interagency Classification Review Committee (ICRC) without first appealing to the CIA Information Review Committee. The paragraph also makes clear that a denial of a request for a document under the Freedom of Information Act (except denials for classified documents) may not be appealed to the ICRC.

m. The last sentence of paragraph 11 is new and is designed to tell the public how to pay any fees which may be required.

n. There is a correction of a grammatical error in paragraph 12.

5. Under the NSC Directive, regulations of the various agencies are to be approved by the Interagency Classification Review Committee and upon such approval "shall be published in the Federal Register to the extent they affect the general public." The CIA regulation, including Annex A, has been approved by the ICRC. The ICRC proposes to publish as soon as possible in a single issue of the Federal Register the pertinent regulations of all the agencies. We have been asked to get our revised regulation to that Committee as soon as possible, so that it may forward to the Federal Register people early next week all of the regulations of the various agencies which are to be published in the Federal Register. It is recommended, therefore, that you approve the attached revised

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Annex A to which would be published also within the Agency regulations system as a revised Annex A.

/s/ Lawrence R. Houston

LAWRENCE R. HOUSTON
General Counsel

Attachments

CONCURRENCE:

20 JUL 1972

Assistant to the Director

Date

/s/ Thomas H. Karamanides

21 JUL 1972

Deputy Director for Plans

Date

STAT

for
Deputy Director for Intelligence

20 JUL 1972

Date

/s/ Robert S. Wattles

20 JUL 1972

Deputy Director for Support

Date

STAT

for
Deputy Director for Science & Technology

20 JUL 1972

Date

APPROVED:

21 JUL 1972

for W. E. Colby

Executive Director-Comptroller

Date

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ANNEX A TO
(Revised 1972)

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